

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

**BURKHON B. YUSUPOV**

**Plaintiff,**

**v.**

Case No.: 3:21-cv-00126

**VIRGINIA TRAILER SERVICES, INC.,**

**AND**

**SHELTON CREWE, Administrator  
of the Estate of SHELTON N. SMITH,  
Deceased**

**Defendants**

**NOTICE OF REMOVAL**

**COME NOW**, Defendants, Virginia Trailer Services, Inc. (hereinafter “Virginia Trailer”) and Shelton Crewe, Administrator of the Estate of Shelton N. Smith, Deceased (hereinafter the “Estate”) (collectively, “Defendants”), by and through the undersigned counsel, hereby give notice of removal of the above action from the Circuit Court for the County of Henrico (hereinafter “Circuit Court”), to the United States District Court for the Eastern District of Virginia, Richmond Division, pursuant to 28 U.S.C. §1332(a), §1441, and §1446.

As set forth below, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. §1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Defendants state as follows:

1. There is pending in the Circuit Court for the County of Henrico, Virginia, a Complaint styled *Burkhon B. Yusupov v. Virginia Trailer Services Inc. and Shelton Crewe*,

*Administrator of the Estate of Shelton N. Smith, Deceased*, under case number CL21000911-00 (hereinafter “the State Court Action”). The Complaint in the State Court Action was filed on or about February 5, 2021 and is attached hereto as **Exhibit 1**.

2. Virginia Trailer was served with a copy of the Complaint in the State Court Action on or about February 11, 2021.

3. The Estate has not yet been served with a copy of the Complaint in the State Court Action.

5. There have been no further proceedings in the State Court Action.

6. This Notice of Removal is filed within thirty (30) days upon which Virginia Trailer first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. §1446(b).

7. The State Court Action is properly removed under 28 U.S.C. §1441(a) because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. §1332, as explained below.

8. Defendants are informed and believe that Plaintiff, Burkhon B. Yusupov, is an individual residing either in the State of Ohio or the State of Florida due to the following:

(a) According to the April 17, 2019 Police Crash Report, attached hereto as **Exhibit 2**, indicates that Plaintiff’s address is 2458 Sawmill Village Court, Columbus, Ohio 43235.

(b) A billing statement from Stand Up MRI of Boca Raton contained within the Plaintiff’s demand letter of May 20, 2020, attached hereto as **Exhibit 3**, lists the Plaintiff’s address as 112 Grand Lagoon Shores Drive, Panama City, Florida 32408.

9. Plaintiff's Complaint seeks damages in the amount of Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00)

10. Virginia Trailer is a stock corporation of the Commonwealth of Virginia with its principal office located at 3320 Business Center Drive, Chesapeake, Virginia 23323, as evidenced by the SCC Clerk's Information System results attached hereto as **Exhibit 4**.

11. Upon information and belief, the source being Virginia Trailer's records, decedent Shelton N. Smith was a resident of Virginia at the time of his death.

12. Shelton Crewe, Administrator of the Estate of Shelton N. Smith, deceased, is a citizen of the Commonwealth of Virginia.

13. This action is properly moved on the grounds of diversity jurisdiction because (a) complete diversity exists between the Plaintiff and Defendants Virginia Trailer and the Estate, and (b) the amount in controversy herein exceeds the sum or value of Seventy-Five Thousand Dollars and No Cents (\$75,000.00), exclusive of interest and costs.

12. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for the County of Henrico, Virginia, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants Virginia Trailer Services, Inc. and Shelton Crewe, Administrator of the Estate of Shelton N. Smith, deceased, respectfully request that this case proceed before this Court as an action properly removed.

Respectfully submitted,

VIRGINIA TRAILER SERVICES, INC.  
and SHELTON CREWE,  
ADMINISTRATOR OF THE ESTATE OF  
SHELTON N. SMITH, DECEASED

By: \_\_\_\_\_

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

On March 01, 2021, I hereby certify that the foregoing document was e-mailed to counsel for Plaintiff, John C. Shea, Esq. of the lawfirm Marks & Harrison, P.C. located at 1500 Forest Ave., Ste. 100, Richmond, Virigina 23229 with the e-mail address of jshea@marksandharrison.com.

By: \_\_\_\_\_  
Laura Lee Miller, Esq.